

AGENDA ITEM E. NEW BUSINESS

ITEM 3 - Riverview Deluxe Subdivision 2022 Replat

KPB File No.	2022-012
Plat Committee Meeting:	February 28, 2022
Applicant / Owner:	Rachael and Shawn Johnston of Anchorage, Alaska Kenai River Hideaway, LLC of Anchorage, Alaska
Surveyor:	James Hall / McLane Consulting Group
General Location:	W Riverview Avenue, City of Soldotna

Parent Parcel No.:	060-150-54 and 060-150-55
Legal Description:	Lots C2A and C2B Riverview Deluxe Subdivision Hunter Addition Plat KN86-105
Assessing Use:	Residential
Zoning:	Single Family/Two Family Residential District
Water / Wastewater	Water Onsite / Wastewater City

STAFF REPORT

Specific Request / Scope of Subdivision: The proposed plat will combine two lots to create one .732 acre lot.

Location and Legal Access (existing and proposed): The parent lots have access from W Riverview Avenue, a 60 foot wide right of way that is managed by the City of Soldotna. The new proposed lot will continue to have access by a common driveway off W Riverview Avenue. The common driveway is constructed and shared with the lot located to the west, Lot C-1 of Riverview Deluxe Subdivision KN 81-40. The lot is along the Kenai River.

The block is not closed and not compliant. The subdivision and the block will not be able to be a closed block due to the location of the Kenai River. **Staff recommends** the plat committee concur that an exception is not required, dedications cannot be obtained that will improve the block.

KPB Roads Dept. comments	Out of Jurisdiction: Yes Roads Director: Uhlin, Dil Comments: No comments
SOA DOT comments	No comment

Site Investigation: The northern portion of the lot is relatively flat. The southern portion of the lot contains steep slopes along the bank of the Kenai River. The steep slopes are depicted and the top of the bluff is labeled.

A house has been constructed that encroaches over the property line. The combining of the lots will resolve the encroachment issue. The parent lots have an existing common driveway with the lot located to the west. The common driveway is within a recorded document and is noted within plat note 7.3.

The City of Soldotna does not participate in the FEMA Program. The appropriate note regarding wetland determinations is located on the plat.

Plat note 4 contains the anadromous note but needs to contain the rest of the note as outlined in KPB code.

The source for the Kenai River meander lines should be cited. If measured, how the meander lines were determined should be present on the plat.

KPB River Center review	A. Floodplain Reviewer: Carver, Nancy Floodplain Status: IS in flood hazard area
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	Comments: Flood Zone: A4,Floodway Map Panel: 020012-2045C In Floodway: False Floodway Panel: B. Habitat Protection Reviewer: Aldridge, Morgan Habitat Protection District Status: IS totally or partially within HPD Comments: KPB\maldrige C. State Parks Reviewer: Russell, Pam Comments: No Comments
State of Alaska Fish and Game	No objections to the proposed platting actions. The proposed actions will not affect public access to public lands and waters.

Staff Analysis The property was originally part of a government lot. River View Subdivision Amended, Plat K 1433, subdivided the government lot. Riverview Deluxe Subdivision, Plat KN 81-40 further subdivided the property. Riverview Deluxe Subdivision Hunter Addition, Plat KN, created the current lot configuration 86-105.

The preliminary plat was submitted to the Planning Department to be reviewed under KPB 20.10.040 – Abbreviated plat, but staff determined an exception would be required and would require review by the Plat Committee.

The City of Soldotna Planning and Zoning Commission reviewed the preliminary plat their February 2, 2022 meeting. They adopted Resolution PZ 2022-003 and recommend approval.

Per the City of Soldotna Planning and Zoning Commission Resolution PZ 2022-003, municipal sewer is available but water is not currently available. An installation agreement will not be required.

The proposed plat will be combining two lots and will increase the new lot size to .732 acres or 31,886 square feet. Per the City of Soldotna Code, 17.10.240 – Single-Family/Tow-Family Residential District has a minimum lot size of 8,400 square feet. Per KPB 20.30.200 – Lots-Minimum size, lots do not need to meet our minimum requirements if established within city zoning. The lot size will comply.

A soils report will not be required as the property is connected to municipal wastewater system. The correct wastewater note is present.

Per the preliminary Certificate to Plat, beneficial interest holders do not affect the proposed plat. Notification per KPB 20.25.090 will not be required unless the final Certificate to Plat states the property is affected by beneficial interest holders.

Utility Easements River View Subdivision Amended, Plat K 1433, did not grant any utility easements. Riverview Deluxe Subdivision, Plat KN 81-40, granted a 20 foot by 200 foot utility easement. The easement was centered along the shared lot line of Lots C-1 and C-2. The 10 foot portion within this subdivision is depicted and labeled. Riverview Deluxe Subdivision Hunter Addition, Plat KN 86-105, granted 5 foot utility easements along W Riverview Avenue. That easement is depicted and labeled.

An additional utility easement was granted by recorded document. The information is within plat note 7.1 and the easement is depicted and labeled on the plat.

Per KPB Code 20.30.060(D), unless additional easements are requested, the front ten feet adjoining rights-of-way shall be designated as a utility easement. **Staff recommends** an additional 5 feet of utility easement be granted along W Riverview Avenue.

The affected utility providers were emailed the subdivision plat public hearing notice as part of the routine notification process. **Staff recommends** to grant utility easements requested by the utility providers or work with the utility providers to obtain approval.

Utility provider review:

HEA	No comment
ENSTAR	No comment
ACS	No objections
GCI	Approved as shown

KPB department / agency review:

Addressing	<p>Reviewer: Haws, Derek Affected Addresses: 475 W RIVERVIEW AVE 473 W RIVERVIEW AVE</p> <p>Existing Street Names are Correct: Yes List of Correct Street Names: W RIVERVIEW AVE</p> <p>Existing Street Name Corrections Needed: All New Street Names are Approved: No List of Approved Street Names: List of Street Names Denied:</p> <p>Comments: The city of Soldotna will advise on affected addresses.</p>
Code Compliance	<p>Reviewer: Ogren, Eric Comments: No comments</p>
Planner	<p>Reviewer: Aldridge, Morgan There are not any Local Option Zoning District issues with this proposed plat.</p> <p>Material Site Comments: There are not any material site issues with this proposed plat.</p>
Assessing	<p>Reviewer: Wilcox, Adeena Comments: No comment</p>

The subdivision plat has been reviewed and generally complies with the 2019 Kenai Peninsula Borough Comprehensive plan.

STAFF RECOMMENDATIONS
CORRECTIONS / EDITS

KPB 20.25.070 – Form and contents required

Staff recommendation: final plat submittals must comply with 20.25.070. Additional information, revisions, and/or corrections are required as noted below.

- A. Within the Title Block

1. Name of the subdivision which shall not be the same as an existing city, town, tract, or subdivision of land in the borough, of which a plat has been previously recorded, or so nearly the same as to mislead the public or cause confusion. The parent plat's name shall be the primary name of the preliminary plat.
2. Legal description, location, date, and total area in acres of the proposed subdivision;
3. Name and address of owner(s), as shown on the KPB records and the certificate to plat, and registered land surveyor.

Staff recommendation: Owner of Lot C2A, Kenai River Hideaway LLC, needs added.

- G. The status of adjacent lands within 100 feet of the proposed subdivision boundary or the land status across from any dedicated rights-of-way that adjoin the proposed subdivision boundary, including names of subdivisions, lot lines, block numbers, lot numbers, rights-of-way; or an indication that the adjacent land is not subdivided;

Staff recommendation: Update the plat number for Lot D-6 to "2018-35".

KPB 20.30 – Subdivision Design Requirements

Staff recommendation: final plat submittals must comply with 20.30. Additional information, revisions, and/or corrections are required as noted below.

20.30.190. Lots-Dimensions.

A. The size and shape of lots shall provide usable sites appropriate for the locality in which the subdivision is located and in conformance with the requirements of any zoning ordinance effective for the area in which the proposed subdivision is located. Generally, lots shall be square or rectangular. Lots shall be at least 60 feet wide on the building setback line. The minimum depth shall be no less than 100 feet, and the average depth shall be no greater than three times the average width.

B. The access portion of a flag lot shall not be less than 20 feet wide. A flag lot with the access portion less than 60 feet wide may be subject to a plat note indicating possible limitations on further subdivision based on access issues, development trends in the area, or topography. If the access portion is less than 60 feet wide, it may not exceed 150 feet in length. The access portion may not be used for permanent structures or wastewater disposal area, must meet the design standards of KPB 20.30.030(A) and 20.30.090 for access, and, if at least 60 feet wide, will be subject to the building setback restrictions of KPB 20.30.240.

Staff recommendation: An exception for depth to width ratio has been requested.

- 20.30.270. Different standards in cities. Where cities have enacted by ordinance different subdivision design standards than those set forth in this chapter, the planning commission shall apply the city standards in lieu of those set forth in this chapter. Any appeal of a city design standard is subject to KPB 21.01.020(E).

Staff recommendation: The City of Soldotna does not meet the specified requirements for the application and consideration of different standards.

KPB 20.40 – Wastewater Disposal

Staff recommendation: final plat submittals must comply with 20.40. Additional information, revisions, and/or corrections are required as noted below.

20.40.010 Wastewater disposal.

Platting Staff Comments: Soils report will not be required.

Staff recommendation: comply with 20.40.

KPB 20.60 – Final Plat

Staff recommendation: final plat submittals must comply with 20.60. Additional information, revisions, and/or corrections are required as noted below.

20.60.080. Improvements-Installation agreement required. A final plat of a subdivision located within city limits shall not be recorded with the district recorder prior to compliance with any city ordinances concerning the installation of improvements. Evidence of compliance shall be provided by the subdivider in the form of a written statement from the appropriate city official that improvements required by city ordinance are or will be installed. Evidence of compliance shall be a part of the final plat submission and the time for action required by KPB 20.60.210 shall not commence until evidence of compliance is submitted.

Staff recommendation: *City of Soldotna staff report states one is not required.*

20.60.180. Plat notes.

A. Plat notes shall not be placed on a final plat unless required by borough code or by the planning commission in order to promote or protect the public health, safety, and welfare consistent with borough and state law.

B. Revision of, or not carrying forward, an existing plat note from the parent plat will adhere to KPB 20.50.010. Separate advertising of the plat note removal is not required, Notification of the requested change will be sent by regular mail to all owners within the subdivision (parent plat and subsequent replats) as shown on the borough tax rolls. Upon approval by the planning commission, the revision or removal of the record plat note shall be finalized by recording a planning commission resolution or subdivision plat.

Staff recommendation: *Place the following notes on the plat.*

- Add a plat note for any exceptions granted.

Update plat note 4 to include "Width of the habitat protection district shall be in accordance with KPB 21.18.040."

Add to plat note 3, "The true corners being on the extension of the side lines and the intersection with the natural meanders."

A field survey is note required and plat note 6 should include a reference to KPB Code 20.60.200(A).

20.60.190. Certificates, statements, and signatures required.

Staff recommendation: *Include Ms. Johnston's title for Kenai River Hideaway, LLC. The signature lines should indicate which former lot they are signing. Comply with 20.60.190.*

EXCEPTIONS REQUESTED:

A. KPB 20.30.190 – Lots-Dimensions (Depth to width ratio 3:1)

Staff Discussion: The combining of the two lots will be creating a lot with a depth to width ratio of 3.1:1. Prior to the current configuration the lots involved where one lot with similar dimensions. That design was allowed at the time and in order to go back to that original design, it must meet current code.

Surveyor's Findings:

1. This is a simple replat of existing property with access to the Kenai River removing an interior property line to make a larger lot.
2. This will go from two lots to one lot.
3. The replat was approved by the City of Soldotna at the February 2, 2022 meeting.

Staff's Findings:

4. KPB Code requires the depth to width ratio be no greater than 3:1.
5. The new lot will have a depth to width ratio of 3.1:1.
6. Riverview Deluxe Subdivision, KN 81-40, created a similar design for the property.
7. The ability to acquire additional acreage to improve the ratio is limited by the river and improvements on neighboring lots.
8. The combining of the lots will resolve an encroachment issue.
9. Steep slopes are present along the southern portion of the proposed lot.
10. The ratio for the higher ground located north of the top of the bluff is 2.6:1.

Staff reviewed the exception request and recommends granting approval.

Staff recommends the Committee select the findings they determine are applicable, make additional findings if needed, tie the findings to the following standards, and vote on the exception in a separate motion.

Unless prohibited under this title, the commission (committee) may authorize exceptions to any of the requirements set forth in this title. Application for an exception shall present the commission (committee) with substantial evidence, justifying the requested waiver or exception stating fully the grounds for the application and the facts relied upon. All exceptions must be requested and granted at the time of preliminary plat approval. Exceptions may not be requested with a final plat submittal.

The commission (committee) shall make findings of fact meeting the following standards before granting any exception:

1. That special circumstances or conditions affecting the property have been shown by application;
Findings 1-3 and 6-10 appear to support this standard.
2. That the exception is necessary for the preservation and enjoyment of a substantial property right and is the most practical manner of complying with the intent of this title;
Findings 1-3 and 6-10 appear to support this standard.
3. That the granting of the exception will not be detrimental to the public welfare or injurious to other property in the area in which said property is situated.
Findings 1-3 and 6-10 appear to support this standard.

Staff recommendation: place notes on the final plat indicating any exceptions granted by the Plat Committee with the meeting date.

RECOMMENDATION:

SUBJECT TO EXCEPTION(S) GRANTED, STAFF RECOMMENDS:

- GRANT APPROVAL OF THE PRELIMINARY PLAT SUBJECT TO STAFF RECOMMENDATIONS, AND
- COMPLIANCE WITH KPB 20.25.070 (FORM AND CONTENTS), KPB 20.25.080 (PETITION REQUIRED), KPB 20.30 (DESIGN REQUIREMENTS); AND KPB 20.40 (WASTEWATER DISPOSAL), AND
- COMPLIANCE WITH KPB 20.60 TO ENSURE ADMINISTRATIVE APPROVAL OF THE FINAL PLAT.

NOTE: 20.25.120. - REVIEW AND APPEAL.

A PARTY OF RECORD MAY REQUEST THAT A DECISION OF THE PLAT COMMITTEE BE REVIEWED BY THE PLANNING COMMISSION BY FILING A WRITTEN REQUEST WITHIN 15 DAYS OF NOTIFICATION OF THE DECISION IN ACCORDANCE WITH KPB 2.40.080.

A DECISION OF THE PLANNING COMMISSION MAY BE APPEALED TO THE HEARING OFFICER BY A PARTY OF RECORD WITHIN 15 DAYS OF THE DATE OF NOTICE OF DECISION IN ACCORDANCE WITH KPB 21.20.250.

END OF STAFF REPORT